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January 8, 2016

VIA ECF FILING

Honorable Charles R. Breyer
United States District Judge
Courtroom 6, 7th Floor 450
Golden Gate Avenue
San Francisco, CA 94102

**Re: *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, Case No. 3:15-md-02672-CRB
Steering Committee Application of Stephen R. Bassier**

Dear Judge Breyer:

Pursuant to Pretrial orders No. 1 and 2 (Dkt. ##2 and 336), I, Stephen R. Bassier, a senior level partner and the head of the Barrack, Rodos & Bacine (www.barrack.com) San Diego, California office,¹ apply to serve on Plaintiffs Steering Committee in this MDL action.

At its core, this case involves allegations, *inter alia*, of federal and state statutory violations arising from alleged corporate fraud, deception and unfair practices. An outright concession of liability has not yet been given, thus necessitating proof of defendants' and corporate executives' knowledge and misconduct in order to fully support allegations of fraud and deceit. Given the multitude of anxious class members who own "clean diesel" vehicles so very important to their daily lives, we seek to achieve an *expeditious* and *meaningful* result on behalf of **all** class members.

(1) Professional Experience. I have litigated numerous cases alleging corporate fraud and deception, unfair practices and RICO violations,² including cases in which myself, or my firm, have served as a lead or co-lead counsel and that involved or necessitated **expedited discovery**, **foreign witness depositions** (including those using interpreters), trial depositions under the

¹ Barrack, Rodos & Bacine possesses an exemplary record serving as a plaintiffs' lead counsel, securing excellent results in numerous complex mega - class actions including several recoveries exceeding \$1 billion, such as: (1) *In re WorldCom, Inc. Securities Litigation*, Master File No. 02-Civ-3288(DLC) (S.D.N.Y.) (Honorable Denise Cote), **\$6.19 billion** (the largest securities fraud class action recovery in the Southern District of New York); (2) *In re Cendant Corporation Litigation*, Civil Action No. 98-1664 (WHW) (D.N.J.) (Honorable William H. Walls), **\$3.21 billion** (the largest securities fraud class action recovery in the District of New Jersey), and (3) *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. CV-99-20743 RMW (N.D. Cal.), (Honorable Ronald M. Whyte), **\$1.052 billion** (the largest securities fraud class action recovery in the Northern District of California)

² See personal biography of Stephen R. Bassier (Basser personal biography), attached hereto as Exhibit A.
PHILADELPHIA, PA SAN DIEGO, CA NEW YORK, NY CONSHOHOCKEN, PA LANSING, MI NEWARK, NJ



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Hague Convention, massive document reviews (electronic and hard copy), high level corporate executive depositions and a prolonged trial.

Notably, I was the lead and first chair trial counsel in *In re Apollo Corp. Inc. Securities Litigation*, Master File No. CV-04-2147 PHX JAT (D. Ariz.), before the Honorable James A. Teilborg, who appointed my firm as sole lead counsel. In this case involving allegations of corporate fraud and deceit, I successfully led my team from the inception of the case through motions to dismiss and for summary judgment, and ultimately to a successful jury verdict, for the full amount of damages, after a twenty-two day trial. We recovered **\$145 million** for the class after an arduous appellate process through the 9th Circuit (which upheld the jury verdict in full) and to the United States Supreme Court, which denied defendants' petition for *certiorari*. I also took the critical depositions of Apollo's CEO, president and other high level executives and trial experts, and was responsible for their presentation of testimony at trial or cross-examination, among other tasks.³ *Apollo* is currently the largest jury verdict securities class action **recovery** since the passage of the PSLRA.

In *McKesson*, wherein my firm was appointed co-lead counsel by the Honorable Ronald M. Whyte, I led the pre-complaint investigation, played a critical role in the design and development of discovery, motions practice and massive document review, and participated in successful settlement mediation before the Honorable Edward Infante. *McKesson* settled for **\$1.052 billion**. Although not a fraud case, I also served as the sole lead attorney appointed in *In re Chiron Shareholder Deal Litigation*, Case No. RG 05-230567 (California Superior Court Alameda County) (Hon. Robert Freedman), wherein I engineered an expedited discovery program collapsed into less than 120 days within which we secured about 1 million pages of documents and I took depositions of Chiron's highest level executives and board members, ultimately securing settlement benefits to class member investors valued at over **\$880 million** — an achievement Judge Freedman applauded as **"truly exemplary...under great time constraints."** In *In re Applied Micro Circuits Corps. Securities Litigation*, Lead Case No. 01-cv-0649-K (AJB) (S.D. Cal.), in which BRB was appointed sole lead counsel by the Honorable Judith Keep, I spearheaded our discovery efforts, took the depositions of AMCC's CEO, chairman of the board, and other high level corporate executives, and successfully negotiated a **\$60 million** settlement for class members, one of the largest securities fraud recoveries in the history of the Southern District of California. I also served a co-lead counsel role in one and a significant co-counsel role in another six "Senior Annuity" class actions brought in several different federal district courts in California against numerous insurance companies targeting senior citizens in the sale of deferred annuity products, asserting claims for elders under California's consumer protection and elder abuse statutes, and RICO. Our consortium of seven law firms in the Senior Annuity cases collectively achieved settlements valued in the aggregate between **\$552 million** dollars and

³ In *Apollo*, we proved liability largely from calling adverse party and third party witnesses and/or using their depositions at trial, and encountered and cross-examined a gauntlet of liability and damages experts. The *Apollo* defendants proffered a vigorous defense by several of the most prominent lawyers in the Nation.



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\$1.273 billion dollars. See Bassor personal biography, Ex. A.⁴

Also highly relevant to this MDL action, I have significant personal experience **deposing foreign witnesses**. In *In re Bridgestone Securities Litigation*, Master File No. 3:01-0017 (M.D. Tenn., Hon. Robert Echols), a securities fraud action that arose from rollovers of Ford Explorer vehicles outfitted with Bridgestone tires, I spearheaded a massive, detailed document review of about 1 million highly technical documents and took the depositions of high level Bridgestone personnel that were conducted through interpreters in Japanese. And in a derivative shareholder action in Orange County Superior Court in California, involving *Pfizer*, arising from the implantation of the Bjork-Shiley heart valve, I secured through the **Hague Convention** and took the deposition of world famous heart surgeon Viking Bjork in Ludvika, Sweden, after spearheading the review and analysis of defendants' document production of over seven million pages.

(3-7) Enduring Commitment, Devotion of Resources and Professionalism. My firm is uncompromisingly willing and able to commit whatever resources, time, staffing and financial contributions that may be necessary to secure the best possible outcome for class members in this litigation. While many fine attorneys involved in this case have offered or solicited support, we simply wish to stand on our individual merits. I enjoy good relations with all of the laws firms I have litigated with and against and I am a team player with a history of working collegially with other firms in major litigation. Notably, in *Apollo*, Judge Teilborg applauded trial counsel and commended us for our "*extraordinary talent and preparation...professionalism...civility...and...integrity*" adding, "[W]hat I have seen has just been *truly exemplary*." See also Ex. A.

I respectfully submit that given my depth of hard-core litigation experience in numerous civil matters, including many cases alleging corporate fraud, deception and unfair practices, I can and will make a valuable addition to Plaintiffs Steering Committee in pursuit of an expeditious and meaningful resolution of this case with great efficiency.

Respectfully,

STEPHEN R. BASSOR

⁴ The following is contact information for the judges who presided over or mediated the foregoing litigation in which my firm was a lead counsel (Item #2): Hon. Edward Infante (Ret.), JAMS, (415-982-5267); Hon. James A. Teilberg (D. Az.) (602-322-7560); Hon. Gonzalo Curiel (SDCA) (619-557-7667); Hon. Janis Sammartino (SDCA) (619-557-5542); Hon. Ronald M. Whyte (NDCA) (408-535-5331); Hon. Robert Freedman (510-267-6936).